

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DAVID WARREN HUFFMAN,

Plaintiff,

v.

CASE NO. 2:21-cv-3611

District Judge Edmund A. Sargus, Jr.

Magistrate Judge Elizabeth A. Preston Deavers

CHAPLAIN PAIRAN,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff, David Warren Huffman, a state inmate who is proceeding without the assistance of counsel, brings this civil rights action under 42 U.S.C. § 1983 against Chaplain Pairan, an employee of Ross Correctional Institution (“RCI”). Plaintiff seeks compensatory damages and injunctive relief with respect to the provision of kosher meals at RCI (Report, ECF No. 14, PageID 138.) After Plaintiff was transferred from RCI to Southern Ohio Correctional Facility (“SOCF”), the Magistrate Judge *sua sponte* recommended dismissal without prejudice of Plaintiff’s injunctive relief claims. (*Id.*) The Magistrate Judge noted that claims for injunctive or declaratory relief are rendered moot upon transfer from the facility where the alleged violation occurred. (*Id.* at PageID 139-40 (citations omitted).) The Magistrate Judge concluded that “the Court’s entry of equitable relief in Plaintiff’s favor would have no effect on Defendant Pairan’s behavior toward him because Defendant Pairan performs all duties at RCI, where Plaintiff is not incarcerated. Put another way, an entry of equitable relief would accomplish nothing.” (*Id.* at PageID 141.) “In addition, because Plaintiff’s claims for injunctive relief are RCI-specific and because there is no reasonable expectation that Plaintiff will be transferred back to RCI or that he will be subjected to the same action again at SOCF, the capable-of-repetition exception to the

mootness doctrine does not apply.” (*Id.*) Consequently, the Magistrate Judge recommended that Plaintiff’s claims for injunctive relief be dismissed without prejudice as moot. (*Id.*)

Plaintiff states that he is not seeking injunctive or declaratory relief, only compensatory damages (Objections, ECF No. 15, PageID 146.) As there is no dispute that dismissal of any claim for injunctive relief is proper, the Court **ADOPTS** the Report and Recommendations and **OVERRULES** Plaintiff’s Objections thereto. Plaintiff’s claims for injunctive relief are **DISMISSED WITHOUT PREJUDICE** as moot.

IT IS SO ORDERED.

Date: October 21, 2021

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE